

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NORMAN LEE SCOTT, SR

Plaintiff,

v.

WHITNEY R. BAILEY, *et al.*,

Defendants.

CIVIL ACTION NO. 22-3654

ORDER

AND NOW, this 31st day of August 2023, upon consideration of Defendants' Motions to Dismiss, to which no opposition has been filed, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the Motion to Dismiss Based on Judicial Estoppel [Doc. No. 21] is **DENIED without prejudice** and the Motion to Dismiss for Failure to State a Claim [Doc. No. 17] is **GRANTED**. The Complaint is **DISMISSED without prejudice**. Plaintiff is granted leave to file an amended complaint no later than **September 29, 2023**.

It is further **ORDERED** that the Clerk of Court is directed to **CLOSE** the case for statistical purposes.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.